

By: Nichols

S.B. No. 1265

A BILL TO BE ENTITLED

AN ACT

relating to the election of board members for emergency services districts in certain counties.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subsection (h), Section 775.034, Health and Safety Code, is amended to read as follows:

(h) This section does not apply to a district located wholly in a county:

(1) with a population of more than three million;

(2) with a population of more than 200,000 that borders Lake Palestine; or

(3) with a population of less than 200,000 that borders another state and the Gulf Intracoastal Waterway.

SECTION 2. The heading to Section 775.0345, Health and Safety Code, is amended to read as follows:

Sec. 775.0345. ELECTION OF BOARD IN CERTAIN ~~POPULOUS~~ COUNTIES.

SECTION 3. Subsections (a), (e), (f), and (g), Section 775.0345, Health and Safety Code, are amended to read as follows:

(a) This section applies only to a district located wholly in a county:

(1) with a population of more than three million;

(2) with a population of more than 200,000 that borders Lake Palestine; or

1 (3) with a population of less than 200,000 that
2 borders another state and the Gulf Intracoastal Waterway.

3 (e) A candidate for emergency services commissioner on an
4 initial board must give the voter registrar of the county [~~clerk~~] a
5 sworn notice of the candidate's intention to run for office. The
6 notice must state the person's name, age, and address and state that
7 the person is serving notice of intent to run for emergency services
8 commissioner. On receipt of the notice, the voter registrar of the
9 county [~~clerk~~] shall have the candidate's name placed on the
10 ballot.

11 (f) The voter registrar of the county [~~clerk~~] shall appoint
12 an election judge to certify the results of the election.

13 (g) After the election is held, the voter registrar or
14 deputy registrar of the county [~~clerk or the clerk's deputy~~] shall
15 prepare a sworn statement of the election costs incurred by the
16 county. The statement shall be given to the newly elected board,
17 which shall order the appropriate official to reimburse the county
18 for the county's election costs.

19 SECTION 4. The heading to Section 775.0355, Health and
20 Safety Code, is amended to read as follows:

21 Sec. 775.0355. DISQUALIFICATION OF EMERGENCY SERVICES
22 COMMISSIONERS IN CERTAIN [~~POPULOUS~~] COUNTIES.

23 SECTION 5. Subsection (b), Section 775.0355, Health and
24 Safety Code, is amended to read as follows:

25 (b) This section applies only to a district located wholly
26 in a county:

27 (1) with a population of more than three million; or

1 (2) with a population of more than 200,000 that
2 borders Lake Palestine.

3 SECTION 6. The heading to Section 775.0445, Health and
4 Safety Code, is amended to read as follows:

5 Sec. 775.0445. VACANCY ON BOARD OF DISTRICT LOCATED IN
6 CERTAIN [~~POPULOUS~~] COUNTIES.

7 SECTION 7. Subsection (b), Section 775.0445, Health and
8 Safety Code, is amended to read as follows:

9 (b) This section applies only to a district located wholly
10 in a county:

11 (1) with a population of more than three million;

12 (2) with a population of more than 200,000 that
13 borders Lake Palestine; or

14 (3) with a population of less than 200,000 that
15 borders another state and the Gulf Intracoastal Waterway.

16 SECTION 8. (a) The changes in law made by this Act do not
17 affect the entitlement of a commissioner of a board of emergency
18 services commissioners serving on the board immediately before the
19 effective date of this Act to continue to carry out the board's
20 functions for the remainder of the commissioner's term.

21 (b) This Act does not prohibit a person who is a
22 commissioner on the effective date of this Act and who was appointed
23 under Section 775.034, Health and Safety Code, from running for
24 election to the board if the person has the qualifications required
25 for a member under Section 775.0345, Health and Safety Code, as
26 amended by this Act.

27 (c) A person serving as a member of a board of emergency

1 services commissioners on the effective date of this Act who was
2 appointed under Section 775.034, Health and Safety Code, shall
3 continue to serve until the election and qualification of a new
4 commissioner for that position.

5 (d) In 2014, the county judge of a county with an emergency
6 services district to which Subdivision (2) or (3), Subsection (a),
7 Section 775.0345, Health and Safety Code, as added by this Act,
8 applies and to which Section 775.034, Health and Safety Code,
9 previously applied, shall establish an election as required by
10 Section 775.0345 to replace a commissioner appointed before the
11 effective date of this Act as near as practicable to the date of the
12 expiration of the appointed commissioner's term. A commissioner
13 elected under this subsection serves a two-year term but the
14 successor serves a four-year term as provided by Section 775.0345,
15 Health and Safety Code.

16 (e) In 2015, the county judge shall repeat the procedures
17 described by Subsection (d) of this section for the remaining
18 appointed commissioners. A commissioner elected under this
19 subsection serves a three-year term but the successor serves a
20 four-year term as provided by Section 775.0345, Health and Safety
21 Code.

22 SECTION 9. This Act takes effect September 1, 2013.